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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,434	10/26/2001	James Patrick Lemieux	021556.0138	2609
33438	7590	05/28/2004	EXAMINER	
HAMILTON & TERRILE, LLP			ENG, GEORGE	
P.O. BOX 203518			ART UNIT	PAPER NUMBER
AUSTIN, TX 78720			2643	
DATE MAILED: 05/28/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/002,434	LEMIEUX ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	George Eng	2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 24 March 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-4,6-13,15-19 and 21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-4,6-13,15-19 and 21 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                     | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)               |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 6) <input type="checkbox"/> Other: _____ .  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This Office action is in response to the amendment filed 3/24/2004 (paper no. 7).

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-4, 6-13, 15-19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerszberg et al. (US PAT. 6020916 hereinafter Gerszberg) in view of Stephens, Jr. (US PAT. 6,633,324 hereinafter Stephens).

Regarding claim 1, Gerszberg discloses a user interface for visually configuring a video call in a video teleconferencing, the user interface comprising a video configuration window (141, figure 5) having a plural icons (201, 202, 203, figure 5), each icons representing a video device, and a direct graph (i.e., 204, figure 5) relating the icon to represent the configuration of the video devices in the video call, the direct graph depicting one or more parameters for one or more of the video devices of the video call configuration, wherein the video call configuration window is operable to allow a user to draw a direct graph between icons that represent compatible video devices in a valid video call configuration (col. 7 line 63 through col. 9 line 39). Gersberg differs from the claimed invention in not specifically teaching to prohibit a user to draw a directed graph between icons that represent an invalid video call configuration. However, Stephens teaches a method for video call configuration having a configuration engine accepts video call information from a query engine based on the video call request and applies device data and rules to determine one or more possible call configuration so that the configuration engine will not schedule devices during down time, thereby preventing invalid video call configuration by prohibition of connecting with particular devices based on applied device data and rules (abstract, col. 2 line 17 through col. 3 line 49, and col. 4 line 58 through col. 6 line 67). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Gersberg in prohibiting the user to draw a directed graph between icons that represent an invalid video call configuration, as per teaching of Stephens, because it simplifies the use of a video call network to reduce the expense and complexity of efficiently using network resources.

Regarding claims 2-4, Gersberg discloses the video device dialog box operable to add one or more video device types to the video call configuration window, wherein selection of a video device type from the video device dialog box is operable to depict a library of available video devices of the selected video device type and addition of a video device type to a video call implicates one or more additional devices to establish a valid video call configuration (col. 7 line 63 through col. 8 line 3 and col. 9 lines 10-19).

Regarding claims 6-9, Gersberg discloses a parameter comprising the line of speed and the protocol of the video device associated with the directed graph, as well as the identification of the video device that initiates communication with one or more other video devices (col. 8 lines 7-22 and col. 9 lines 40-56).

Regarding claims 10-11, Gersberg teaches to change the state of the video call comprising failure of a video device, i.e., unable to perform audio and/or video, wherein the failure of a video device is depicted with a red color cross (col. 8 lines 40-59).

Regarding claim 12, Stephens discloses a device list window associated with the video call configuration window, the device list window listing attributes of the video devices represented by the plural icons (figures 3-4).

Regarding claim 13, Gersberg discloses a method for visually configuring a video call with a computer user interface comprising the steps of selecting a first video device (i.e., 201, figure 5) for display as a first graphic and for selecting a second vide device (i.e., 202, figure 5) for display as a second graphic, selecting the first graphic to initiate a directed graph arrow originating from the first graphic, and selecting the second graphic to draw the directed graph arrow from the first graphic to the second graphic representing a video call between the frist and

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second video devices (col. 7 line 63 through col. 9 line 39). Gersberg differs from the claimed invention in not specifically teaching to determine if a video call between the first and second video devices is a valid action and prohibiting the drawing of a directed graph arrow between the first and second graphics unless the video call between the first and second video device is a valid action. However, Stephens teaches a method for video call configuration having a configuration engine accepts video call information from a query engine based on the video call request and applies device data and rules to determine one or more possible call configuration so that the configuration engine will not schedule devices during down time, thereby prohibiting call configuration based on applied device data and rules, i.e., call will not be configured unless the video call between devices is valid (abstract, col. 2 line 17 through col. 3 line 49, and col. 4 line 58 through col. 6 line 67).. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Gersberg in having determining if a video call between the first and second video devices is a valid action and prohibiting the drawing of a directed graph arrow between the first and second graphics unless the video call between the first and second video device is a valid action, as per teaching of Stephens, because it simplifies the use of a video call network to reduce the expense and complexity of efficiently using network resources.

Regarding claim 15, Stephens discloses to determine that a video call configuration for a video call between the first and second devices requiring a third video device, i.e., a MCU, and presenting a graphic associated with the third video device to allow a valid video configuration using the third device (col. 2 lines 54-65).

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Regarding claims 16-17, Stephens teaches to schedule and initiate a video call according to the video call configuration (col. 4 line 58 through col. 5 line 9).

Regarding claim 18, Gersberg discloses to monitor the video devices of the initiated video call and depicting the state of the monitored video devices through user interface (figures 5-6).

Regarding claim 19, the limitations the claim are rejected as the same reasons set forth in claim 1.

Regarding claim 21, the limitations the claim are rejected as the same reasons set forth in claims 16-17.

***Response to Arguments***

4. Applicant's arguments with respect to claims 1-4, 6-13, 15-19 and 21 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bowman (US PAT. 6,677,978) discloses a method for automated call graph layout (abstract).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Eng whose telephone number is 703-308-9555. The examiner can normally be reached on Tue-Fri 7:30 AM-6:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A. Kuntz can be reached on 703-305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



George Eng  
Primary Examiner  
Art Unit 2643